

**Glenda Wiles**

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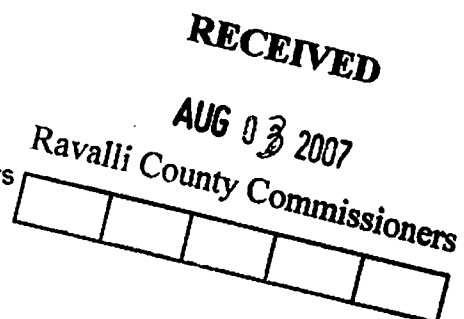
**From:** MACO Information [macopb@maco.cog.mt.us]

**Sent:** Friday, August 03, 2007 10:12 AM

**Subject:** HB 12 County Attorney Salary fact Sheet

**TO:** Montana County Attorneys and County Commissioners

**FROM:** Montana Association of Counties  
Montana County Attorney's Association  
Montana Department of Justice



Because there continues to be misunderstandings and confusion about the implementation of House Bill 12, the Montana Department of Justice, Montana County Attorney's Association and Montana Association of Counties are jointly issuing this fact sheet that we hope will provide clarifications about the intent of the legislation and its application. We would like to encourage readers to click on the hyperlinks to the hearing minutes and audio recordings of those hearings on the bill.

Also attached is a paper titled "House Bill 12 - A Historical Perspective" written by Harold Blattie, MACo Executive Director that provides additional background and information related to HB 12.

<<House Bill 12 History.doc>>

## **House Bill 12 Fact Sheet**

The Montana Department of Justice, Montana County Attorney's Association and the Montana Association of Counties have been working cooperatively on the issue of County Attorney salaries and how services are provided to the state for felony prosecution, and abuse and neglect case services and how those services are funded for several years. House Bill 12 came about as the result of these efforts and the work of the 2005-06 Law and Justice Legislative Interim Committee.

HB 12 was the result of a cooperative effort during the 2005-06 legislative interim between the Law and Justice Interim Committee, the Department of Justice, the County Attorney's Association and MACo. The study was charged with looking at how services are provided and funded for felony prosecution and abuse and neglect case services.

While Counties are legally free to use any additional state funds they receive in future years for any purpose, all of the discussion before the legislature was oriented toward increasing county attorney salaries in order to retain and attract highly qualified attorneys, especially in rural areas, to insure that both the State and counties had good legal representation.

HB 12 provides that:

- County Attorney salaries are to be set by the County Compensation Board and approved by the County Commissioners. This applies to both full and part time County Attorneys.
- The County Attorney salary for FY 07 (current year - 7/1/06 to 6/30/07) is calculated by adding the portion of the County Attorney's salary paid by the state and the portion of the County Attorney's salary by the county. (State Portion + County Portion = Salary)
- The FY 08 (7/1/07 to 6/30/08) minimum salary is to be calculated based on the FY 07 total salary, including the state and county shares, plus at least the same increase given to all other elected officials (i.e. COLA, flat amount, longevity, etc). This is the minimum does not preclude a county from increasing the salary by any additional amount.
- There is no longer a 50-50 split, nor a \$50,000 base for County Attorney salaries. The salary for County Attorney's is to be paid totally by the county.
- A County Attorney's salary cannot exceed a District Court Judges' salary except in the case where adding the same amount to the County Attorney's salary as is given to other elected officials would make the County Attorney's salary higher than the District Court Judge's. In this situation, the increase must be an amount sufficient to increase the salary to AT LEAST the same as a judge's, but the county may grant the full increase, which would make the county attorney's salary more than a District Court Judges.
- A County Attorney's salary should not be reduced.
- The County is responsible for payment of 100% of a County Attorney's salary, including all taxes and any benefits included by County policy or state law (health insurance, retirement, etc). The state will no longer be issuing paychecks to County Attorneys.
- The County Attorney's salary is not directly tied to a District Court Judges salary unless the county chooses to do so.
- The payments received from the State beginning July 1, 2007 have no direct connection to a County Attorney's actual salary. This is a payment from the state to the county for services. It is not intended to be used as a basis for calculating County Attorney's salaries; however, Commissioners may do so if they choose.
- The legislation was not intended to create a windfall for counties but rather to provide predictability and stability along with the ability of a county to remain competitive in the local job market so as to be able to attract and retain good attorney's to the position of County Attorney.

Additional information about the history of this legislation and the work of the Law and

Justice Interim Committee, including minutes, reports and agenda's can be found at:

[<http://leg.mt.gov/content/committees/interim/2005\\_2006/law\\_justice/>](http://leg.mt.gov/content/committees/interim/2005_2006/law_justice/)

Information about HB 12's progress through the legislative process can be reviewed by following the links below.

January 12 - House Appropriations Hearing:

[<http://data.opi.mt.gov/legbills/2007/Minutes/House/070112APH\\_Hm1.pdf>](http://data.opi.mt.gov/legbills/2007/Minutes/House/070112APH_Hm1.pdf)

#### Audio

[<http://www.leg.mt.gov/css/committees/standing/minutes/07minwritChamber=House>](http://www.leg.mt.gov/css/committees/standing/minutes/07minwritChamber=House) (scroll down to Appropriations committee and click on January 12 icon)

April 9 - Senate Finance and Claims Hearing: Minutes

[<http://data.opi.mt.gov/legbills/2007/Minutes/Senate/070409FCS\\_Sm1.pdf>](http://data.opi.mt.gov/legbills/2007/Minutes/Senate/070409FCS_Sm1.pdf)

#### Audio

[<http://leg.mt.gov/css/committees/standing/minutes/07minwritChamber=Senate>](http://leg.mt.gov/css/committees/standing/minutes/07minwritChamber=Senate) (scroll down to Finance & Claims committee and click on April 9 icon)

Bill Status Report [http://laws.leg.mt.gov/pls/laws07/LAW0203W\\$BSRV.ActionQuery?P\\_BLT\\_P\\_BILL\\_TYP\\_CD=HB&P\\_BILL\\_NO=12&P\\_BILL\\_DFT\\_NO=8&P\\_CHPT\\_NO=8Z\\_A](http://laws.leg.mt.gov/pls/laws07/LAW0203W$BSRV.ActionQuery?P_BLT_P_BILL_TYP_CD=HB&P_BILL_NO=12&P_BILL_DFT_NO=8&P_CHPT_NO=8Z_A)

- The progression of the Bill and committee and floor voting record.